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Plaintiffs' counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE PACIFIC FERTILITY CENTER
LITIGATION

This Document Relates to:

No. 3:20-cv-05047 (A.J. and N.J.)
No. 3:20-cv-04978 (L.E. and L.F.)
No. 3:20-cv-05030 (M.C. and M.D.)
No. 3:20-cv-04996 (O.E.)
No. 3:20-cv-05041 (Y.C. and Y.D.)

Master Case No. 3:18-cv-01586-JSC

**DECLARATION OF AMY M. ZEMAN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT AND
MOTION TO EXCLUDE EXPERT
TESTIMONY**

Date: November 4, 2021

Time: 9:00 a.m.

Judge: Hon. Jacqueline S. Corley

Place: Courtroom F, 15th Floor

1 I, Amy M. Zeman, declare as follows:

2 1. I am a partner at the law firm Gibbs Law Group LLP, counsel for Plaintiffs in the above
3 captioned action, and submit this declaration in support of Plaintiffs' Motion for Partial Summary
4 Judgment on Issues Resolved in Prior Trial and Motion to Exclude Expert Testimony from Trial of
5 Related Actions. I make this declaration upon personal knowledge and am competent to testify to the
6 facts set forth herein.

7 2. Attached as **Exhibit 1** is an excerpt from the Transcript of the Case Management
8 Conference held in *In Re Pacific Fertility Center Litigation* on September 24, 2020.

9 3. Attached as **Exhibit 2** is the Transcript of Trial Proceedings held May 24, 2021.

10 4. Attached as **Exhibit 3** are excerpts from the Transcript of Trial Proceedings held June 3,
11 2021.

12 5. Attached as **Exhibit 4** is the Transcript of Trial Proceedings held June 9, 2021.

13 6. Attached as **Exhibit 5** is Franklin Miller's expert report dated May 7, 2021.

14 7. Attached as **Exhibit 6** is Ronald Parrington's expert report dated April 23, 2021.

15 8. Attached as **Exhibit 7** is Grace Centola's expert report dated April 23, 2021.

16 9. Attached as **Exhibit 8** is Eldon Leaphart's expert report dated April 23, 2021.

17 10. Attached as **Exhibit 9** is Angela Lawson's expert report dated July 29, 2021.

18 11. Attached as **Exhibit 10** are excerpts from Angela Lawson's deposition taken on August
19 6, 2021.

20 12. Attached as **Exhibit 11** is Franklin Miller's expert report dated July 29, 2021.

21 13. Attached as **Exhibit 12** is test data produced as material relied upon by Franklin Miller
22 for his expert report dated July 29, 2021.

23 14. Attached as **Exhibit 13** is an excerpt from the deposition of Franklin Miller taken on
24 August 5, 2021.

25 15. Attached as **Exhibit 14** is Franklin Miller's expert report dated November 20, 2020.

26 16. Chart's counsel produced eleven videos as supporting materials for Dr. Miller's July 29,
27 2021 report. The eight videos covering the three boiloff tests have no audio component and are not
28 labeled in any way to explain what actions might take place vis a vis the tank off screen or when Dr.

1 Miller is standing between the camera and the tank. The videos do not show manipulation of the
2 vacuum port or any attachments to the vacuum port to spoil the vacuum and any action taken to remove
3 tape to spoil the vacuum by uncovering a pre-drilled hole is not identifiable by watching the videos.

4

5 I declare under penalty of perjury under the laws of the United States that the foregoing is true
6 and correct. Executed this 24th day of August 2021 in San Rafael, California.

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8 */s/ Amy M. Zeman*

9 Amy M. Zeman

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